



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 052-2006

LETTER TO COMMISSION

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: February 27, 2006

SUBJECT: Complaint from Mayor Mayans of Wichita, Kansas

On January 26, 2006, my office received a copy of an e-mail (attached), forwarded by Commissioner Bower's office, from the Mayor of Wichita Kansas, Carlos Mayans, regarding a beachfront concession related incident on Lummus Park beach. The Office of Asset Management contacted Boucher Brothers Miami Beach, LLC management and requested an investigation and written explanation as to the concerns raised by Mayor Mayans. Attached please find a copy of the written reponse from Boucher Brother's to the City, as well as a copy of the response provided by Boucher Brothers directly to Mayor Mayans.

Moreover, the Office of Asset Management also assessed the situation after discussing the particular details of the incident with Boucher Brother's management team. It was concluded that there well may have been a misunderstanding between the parties. This misunderstanding may have occurred as a result, in part, of certain operational policies which Boucher Brother's have in place, which are designed to safeguard against the transfer of rented equipment from a duly authorized concession patron to any third party that has not gone through the concessionaire, so as not to compromise the agreed upon auditing controls provided in the approved Concession Agreement.

If you have any questions or need further clarification, please let me know.

sh
JMG/TH/jd
Enclosure

C: Tim Hemstreet, Assistant City Manager
Joe Damien, Asset Manager

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RECEIVED
06 FEB 29 AM 10:06
CITY CLERK'S OFFICE

From: Bower, Matti H.
Sent: Thursday, January 26, 2006 9:35 AM
To: 'Mayans, Carlos'
Cc: Mejia, Dolores; Gonzalez, Jorge
Subject: RE: Contract with Boucher Brothers
Importance: High
Sensitivity: Private

Dear Honorable Mayor Mayans:

We acknowledge receipt of your email on behalf of Commissioner Bower. We just received it today. We think because of its "private" nature and some problems with our City servers.

Commissioner Bower has taken note of this incident and will look into it as soon as possible.

With this reply, we are copying our City Manager and our Special Projects Administrator in order for them to assist you.

Please do not hesitate to contact our office if you require anything else and/or you need any further assistance.

Yours very truly,

MIAMI BEACH

Yvonne Welcker Sepulveda
Aide to Commissioner Matti H. Bower

MAYOR & COMMISSION OFFICE
1700 Convention Center Drive, Miami Beach, FL 33139
Tel: 305-673-7030 Fax: 305-673-7096

email: yvonnesepulveda@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

-----Original Message-----

From: Mayans, Carlos [mailto:CMayans@wichita.gov]
Sent: Tuesday, January 03, 2006 3:05 PM
To: Dermer, David
Cc: citimanager@miamibeachfl.gov; Bower, Matti H.; Garcia, Luis
Subject: Contract with Boucher Brothers
Sensitivity: Private

Dear Honorable Mayor David Dermer:

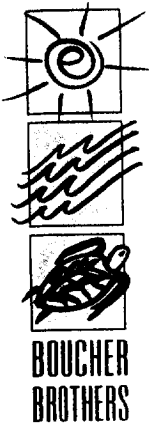
Happy New Year! I was visiting your beautiful City with my family over the Christmas holidays as I have for the past few years and decided to take the family and our other relatives to the South Beach around 5th street. Our two cousins went earlier and rented two lounge chairs and when we arrived on the beach about 1 1/2 later, the cousins went to "plug the parking meter and get some lunch" my sister (who just had knee surgery) and I sat on the chairs and in about ten minutes were informed that we had to pay for the chairs again "because only the person that rents the chairs are allowed to sit on them". I thought this was a ridiculous request and explained that they are part of the family and we were not going to pay again. Well, someone representing himself as "Tommy" the manager for the rental company (also claimed to be the relative of Jim Boucher) called security on us. They told us that those were their rules and I indicated to them that their customer are not told this when the chairs are rented and neither are they asked to sign any forms agreeing to have been notified of this nor to agreeing with this rental rule.

Mayor, this is a very petty issue and I know that you are a busy man just like I am, but it is about the rude treatment of visitors to Miami Beach. It was also very embarrassing to me and my family and very threatening to the children present. I believe when contracts discussion with this vendor come again, that the City Manager, staff, and Council should look closely not only at revenues, but at the impact on the visitors that this behavior has on tourists.

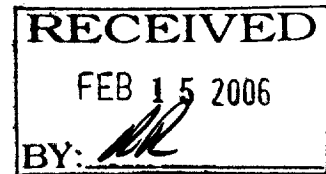
I came to Miami in 1962 as part of the Peter Pan children and was in camp Matecumbe with Sen. Mel Martinez when he was 16 and I 13. I was relocated to foster homes in Kansas for 5 years until my parents arrived from Cuba. My mother lives on the beach, and my sister and daughter live in Kendall so we do come to Florida several times a year. I have been blessed of having served 10 years in the Kansas House of Representatives and now I am on my third year as Mayor of Wichita, the largest City in Kansas 365,000), and the first Hispanic ever to have been elected Mayor of this City since it was founded in 1870.

I wish you, your Council and staff the best for 2006 and I am sorry to have bother you with such minor issues.

Carlos Mayans, Mayor
City of Wichita
316-268-4331



February 13, 2006



Jose Damien, Asset Manager Office of Asset Management
Development Department
1700 Convention Center Drive
Miami Beach, Florida 33139

RE: Mayor Carlos Mayans Letter and Chair Transfer Policy

Dear Jose:

We are in receipt of the letter from Mayor Carlos Mayans. On behalf of my brothers, we regret the misunderstanding. As you are aware this is the first complaint in four and a half years regarding the behavior of one of our employees. We believe that our employee training has helped the Boucher Brothers' entities win the coveted *American Academy Five Star Diamond Award of Hospitality Sciences* for the last two years. Nevertheless, it can be challenging at times to explain the necessity of charging for recreational and/or leisure equipment on a free public beach.

After careful review of the issues surrounding the incident, we have concluded that the employee and supervisory personnel involved acted in accordance with our existing non-transfer policy, which was developed in our original negotiation with Assistant City Manager Cuervo and centered on controls for checks and balances. Transfers are simply not allowed. Imagine if you will, what it would take to validate a claim that someone was making to 3,000 pieces of rental equipment. Moreover, what bearing invalid claims would have on the integrity of revenue reporting. Hence, the determination and adoption that there is no language in the Concession Agreement regarding transfers.

We understand that the particular circumstances surrounding this matter may have led to a misunderstanding between the parties, and as such, we will address Mayor Mayans directly under separate cover, which will be provided to the City.

Should you have any questions regarding this matter please do not hesitate to call me.

Sincerely,

James Rocco Boucher
Partner

February 13, 2006

Honorable Carlos Mayans
Mayor
City of Wichita
455 N. Main Street
Wichita, KS 67202

Dear Honorable Mayor Mayans:

On behalf of my brothers, I extend to you an apology for the misunderstanding on the beach in December, 2005.

The Boucher Brothers have taken pride in customer relations for nearly 20 years. We service public beaches from Miami Beach to Virginia Beach. We hope that we can have another opportunity to extend a warm welcome to you and your family. To that end, I would like to make available to you my cell phone number and invite you to call me on your next trip to Miami Beach. If we can host you and/or members of your family, please call me.

I am enclosing my business card. I look forward to meeting you and making your stay in Miami Beach more enjoyable.

Best regards,

James Rocco Boucher
Partner

Cc: Jose Damien, Asset Manager, City of Miami Beach
Enclosure